

**Brian A. Thomas Ph.D., ABOM, FNAO**

Dear Sir:

It is my understanding that the FTC is looking into occupational licensing. If the FTC is keeping with its mission, than I believe the investigation would be to improve competition. However, before I go into that arena specifically, there is an area that the FTC desperately needs to look into with regard to the optical industry in the United States. That area is the advent of Electronic Medical Records (EMR) and how they directly contradict the 1978 Eyeglass I FTC decision.

My students tell me almost to a unanimous degree that their doctors frequently do not issue prescriptions at all or if they do, it is only one version of their prescription. The 1978 ruling required all prescribing doctors in the ophthalmic field to issue two copies of the patient's prescription for spectacles and contact lenses – one to fill and one for the patient to keep for their records. That is no longer happening in NJ since NJ issued a prescription pad requirement several years ago. All scripts must be purchased through the state and they do not contain carbons which were the norm prior to the NJ prescription pad requirement. These days, I often hear that the refractionist hits a keystroke or two and the patient's prescription is sent to the refractionists' dispensary. Thus capturing the patient and severely limiting their opportunity to purchase eyewear where they choose. All of which is directly contrary to the intent of the Eyeglass I ruling and certainly severely restricting patient choice in the marketplace.

Recently you received a multipage treatise from the National Association of Optometrists and Opticians (NAOO). The FTC needs to know that this organization is completely misleading. They purport to represent optometrists and opticians when in fact they only represent corporate optical companies.

There are simply no optometrists or opticians that are members of this organization nor CAN they become members of this organization. In fact, I am told that the NAOO lobbies hard against licensure in states trying to establish licensing for opticians. Pennsylvania and Vermont would be two instances of this anti-licensure lobbying. The NAOO tries to trade on the reputation of the prestigious National Academy of Opticianry (NAO) when in fact, they are simply a lobbying group. Upon reading their brief, it would appear that their primary interest is in using the FTC to gain cheap labor. If they can weaken licensing requirements they can reduce their labor expenses and increase profits – regardless of how this would impact the quality of the eye care the consumer receives.

When one reads their presentation you frequently read that competent opticians are prevented from gaining licensure when they move into another state. Yet, not once do they define what a competent optician is in their estimation – besides, of course, being cheap labor. Having been an optical educator for over thirty years I have had firsthand experience both interviewing and evaluating these so-called competent opticians from other states. The standards that New Jersey employs are totally and completely justified in order to securely protect the state's consumers from incompetent service. The other argument that the NAOO makes is that the individual states put up barriers to opticians coming from other states. That is simply not true due to the Commission on Opticianry Accreditation (COA). The COA ensures that there are NO barriers for students moving from one region to another because the education received in one state by a COA accredited college MUST be recognized in another state. What the NAOO is truly complaining about is that an uneducated optician cannot get a license granted from a state that rightly requires education for opticians. This is nothing short of yet another plea for cheap corporate labor.

Just recently I had a prospective student request to take the final exams for our two beginning optical courses. His rationale for this was that he was licensed in another region and knew all there

needed to be known about opticianry so he did not want to take the courses. His examinations lasted approximately 15 minutes! He was completely unprepared to perform any of the required practical examinations and only looked at the written exam claiming that he knew none of the answers! Now humbled over his lack of education, he is a student in those introductory classes. Over the years I can repeat this story at least one hundred times – people who feel that they are competent and then cannot even begin to demonstrate competence at the very lowest level. Do we want such incompetence handling a class A medical device? Do we want such incompetence dispensing eyewear, the very eyewear that the consumer will utilize to perform virtually every human function? Do we want consumers driving cars while wearing incorrect eyewear? Do we want surgeons performing surgery with poorly fit eyewear? As you can see, with the correct perspective this list can go on and on.

Fundamentally, we need to remember that eyewear affects almost every human activity and affects it in a profound manner. If anything, the FTC needs to insure that the standards for opticianry be increased nationwide in order to better protect the public. We simply cannot have incompetent opticians profoundly impacting the lives of Americans simply for the sake of corporate profits. Rather than lower the existing standards that adequately protect the American consumer, why not insist on raising the standards where they are deficient or nonexistent?

Sincerely,

Brian A. Thomas Ph.D